STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of NICHOLAS NATHAN SNOWBERGER, CASEY COLLEEN SNOWBERGER, and NATHANIEL DARIS SNOWBERGER, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUZANNE SNOWBERGER,

Respondent-Appellant.

UNPUBLISHED
February 14, 2006

No. 264133
Oakland Circuit Court
Family Division
LC No. 03-677829-NA

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In March 2003, respondent contacted petitioner and asked that the children be placed in the court's care because she was having difficulty maintaining sobriety. The primary focus of respondent's treatment plan was addressing her substance abuse. Respondent was also required to complete individual therapy, participate in parenting classes, obtain and maintain housing, visit the children, and obtain and maintain employment. Respondent had completed an intensive six-week outpatient treatment program when the children were taken into the court's custody, but she subsequently tested positive for marijuana use on three occasions while the children were in the court's care and stopped submitting screens in March 2004. She was referred to three separate treatment programs but failed to complete any of them. She also failed to participate in a drug assessment. Respondent did complete parenting classes and visit the children. However, she failed to complete therapy, find independent housing, or find employment. On October 7, 2004, petitioner filed a petition seeking termination of respondent's parental rights. A week later respondent was arrested and charged with uttering and publishing and conspiracy to utter and publish. She spent six months in prison and was released on probation.

The children are Native American Indians pursuant to 25 USC 1903(4). Because the instant case involves Indian children, both the federal Indian Child Welfare Act ("ICWA"), 25 USC 1901 *et. seq.*, standard and the state grounds for termination of parental rights must be established. *In re SD*, 236 Mich App 240, 246; 599 NW2d 772 (1999). The federal standard for termination of parental rights in cases involving Indian children is prescribed in subsection 1912(f) of the ICWA, which provides that "[n]o termination of parental rights may be ordered . . . in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child." In the instant case, the court qualified Robin Hill as an Indian expert witness. Ms. Hill testified that she had presented this case to the Child Welfare Committee of the Sault Ste. Marie of Chippewa Indians, and both she and the Committee supported the petition for termination of respondent's parental rights, believing that placement of the children in respondent's care would likely result in serious emotional or physical damage to the children. Ms. Hill's testimony, coupled with the other evidence showing that respondent had failed to substantially comply with her parent-agency agreement, particularly those components addressing her substance abuse, supported the court's finding that the federal standard for termination of respondent's parental rights under the ICWA had been established.

With respect to the state statutory grounds upon which the court based its termination of respondent's parental rights, respondent challenges termination only under § 19b(3)(c)(i) but not under §§ 19b(3)(g) or (j), the two other bases cited by the court. Since only one statutory ground is required to justify termination of her parental rights, either §§ 19b(3)(g) or (j) provide a statutory basis for termination of respondent's parental rights and supports the court's ruling. See *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Further, the evidence did not show that termination of respondent parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the trial court did not clearly err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Stephen L. Borrello
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald